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I hereby certify that the documents identified below and enclosed with this certificate, pursuant to 37 C.F.R. §1.10, are being deposited as "Express Mail" with the United States Postal service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date stated:

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Paula N. Huffman  
Signature of person depositing Express Mail

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s):	Smith	Docket No.:	101.00013
Application No.:	10/673,901	Group Art Unit:	3663
Filing Date:	September 28, 2003	Examiner:	Daniel L. Greene, Jr.
TITLE	HAND-HELD STUN GUN FOR INCAPACITATING A HUMAN TARGET		

Mail Stop Petition  
Commissioner for Patents  
P.O. BOX 1450  
Alexandria, VA 22313-1450

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**PETITION FOR CORRECTION OF FILING RECEIPT**  
**UNDER 37 C.F.R. §1.182**

Commissioner:

**Correction of Cross-Reference to Earlier Applications**

Applicant asks that the present application be deemed a continuation of application Serial No. 10/016,082, filed December 12, 2001 now U.S. Patent 6,636,412, which is a continuation of application Serial No. 09/398,388, filed September 17, 1999, now abandoned. The requested change corrects an error in the original filing where the present application was erroneously

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designated a "CIP" application. None of the differences between the priority application 09/398,388 and the present application 10/673,901 constitute new matter.

The requested change is not a change in the claim for priority under 35 USC §120 because a continuation and a continuation in part have the same right and effect in this case as to the present application.

As filed, the present application was erroneously designated "a CIP of Co-pending Application Serial No. Serial No. 10/016,082, Filed 12/12/01 and therevia of Application Serial No. 09/398,388, filed 9/17/99." A careful review of the present application, its parent 10/016,082, and its grandparent 09/398,388 reveals that no new matter was submitted in the present application when it was filed September 28, 2003.

The parent specification 10/016,082 was amended without introducing new matter. The amended parent specification was filed September 28, 2003 as the present application (as opposed to filing the priority, grandparent application 09/398,388 with preliminary amendment).

In the Office Action mailed August 25, 2005, the Examiner objected to the form of the specification. A substitute specification dated October 12, 2005 is submitted in response to the Office Action mailed August 25, 2005. The filing of that substitute specification included a marked up version showing changes with reference to the priority application 09/398,388. The amendments introduced in the parent 10/016,082 are being ignored so that changes introduced in the substitute specification can be compared to the specification of the originally filed priority, grandparent application 09/398,388 to support a finding that the present application is a proper continuation application. Because none of the changes in the substitute specification constitute new matter, the present application is a proper continuation, as opposed to a continuation in part (CIP) of application 10/016,082.

#### Request for Filing Receipt

Applicant asks that a corrected filing receipt be issued. The filing receipt should state that the present application is continuation of application Serial No. 10/016,082, filed December

12, 2001 now U.S. Patent 6,636,412, which is a continuation of application Serial No. 09/398,388, filed September 17, 1999, now abandoned.

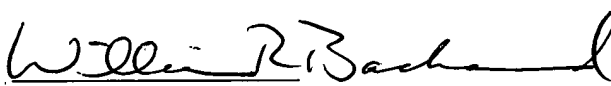
Conclusion

Applicant authorizes payment of the petition fee under 37 CFR 1.17(h) from **Deposit Account No. 53337** for the filing of this petition and authorizes payment of any fee for a necessary extension of time. The Commissioner is hereby authorized to charge any fee required for this petition, or any deficiency in the fee filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under 37 C.F.R. §§1.16-1.18 (deficiency only) or credit any overpayment to Deposit Account No. 53337 for which purpose a duplicate copy of this statement is enclosed.

50-3337

Respectfully submitted,

Date: November 7, 2005

  
William R. Bachand  
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